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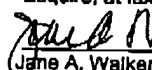
NO. 4538 P. 2/9

AUG 26 2004

**PATENT**

**Certificate of Facsimile Transmission**

I hereby certify that this correspondence is being deposited via facsimile to Commissioner for Patents, Alexandria, VA 22313-1450. Office of Petitions, Attention: Christina Tartera Donnell, Esquire, at fax number 703 872 9306 on

  
Jane A. Walker

August 26, 2004  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.: 10/751,232  
Conf. No.: 2153  
Filed: January 2, 2004  
Group Art Unit: 1642  
Examiner: Unknown  
Applicants: Achilefu et al.  
Title: **LIGHT SENSITIVE COMPOUNDS FOR INSTANT  
DETERMINATION OF ORGAN FUNCTION**  
Attorney Reference No.: MRD-57CP

Cincinnati, Ohio 45202

August 26, 2004

Office of Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**ATTN: Christina Tartera Donnell  
Senior Petitions Attorney**

Sir:

**RENEWED PETITION UNDER 37 C.F.R. §1.47(a)  
WITH STATEMENT OF FACTS IN SUPPORT**

Applicants renew their Petition Under 37 C.F.R. §1.47(a) regarding the non-signing inventor, which was originally filed on July 6, 2004, and incorporate it in its entirety by reference herein.

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This Statement is made as to the pertinent facts that are relied upon to establish the diligent effort made to secure the execution of the Declaration by the nonsigning inventor for the above-identified patent application.

The Statement of Facts is being made by an attorney at law having first-hand knowledge of the facts recited therein. The Declaration is being made by an attorney at law familiar with the law of the jurisdiction and having first hand knowledge of the facts.

**IDENTIFICATION OF PERSONS MAKING THE STATEMENT OF FACTS**

Beverly A. Lyman, Ph.D., Esquire  
Wood, Herron & Evans LLP.  
2700 Carew Tower  
441 Vine Street  
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**IDENTIFICATION OF PERSON MAKING THE DECLARATION**

Beverly A. Lyman, Ph.D., Esquire  
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**LAST KNOWN ADDRESS OF THE NONSIGNING INVENTOR**

Samuel Achilefu, Ph.D.  
10907 Leighton Court  
St. Louis, Missouri 63146

**STATEMENT OF FACTS**

The nonsigning inventor is a former employee of Mallinckrodt Inc., to whom the invention will be assigned. Attempts by current officials of Mallinckrodt to obtain Dr. Achilefu's signature were unsuccessful. The undersigned representative attempted delivery of the following documents to Dr. Achilefu for his signature:

- Application as filed (specification, claims and drawings);
- Declaration, Power of Attorney and Petition
- Assignment of Invention

The following statement is supported by the following Attachments:

"A" – August 17, 2004 letter to Dr. Achilefu via Federal Express enclosing the application as filed (specification, claims and drawings), and documents for execution; and "B" – Federal Express confirmation of delivery.

Based on the foregoing documentation, applicants believe they have complied with all of the requirements, and respectfully request grant of this Petition.

Applicants do not believe any fee is due with this submission. However, if any fees are deemed due, the Examiner is authorized to charge such fees to Deposit Account No. 30-2300.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By: Beverly A. Lyman  
Beverly A. Lyman, Ph.D.  
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